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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
Jay Paul Drummond, et al.)	
)	
Serial No.: 09/578,312)	Art Unit 3628
)	
Confirmation No.: 5731)	
)	
Filed: May 25, 2000)	Patent Examiner
)	Debra F. Charles
Title: Automated Banking Machine)	
System with Multiple Browsers)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Sir:

The Appellants hereby submit their Reply Brief pursuant to 37 C.F.R. § 41.41 concerning the above-referenced Application. The Reply Brief is in response to the Examiner's Answer ("Answer") dated September 13, 2004. The Answer was in response to Appellants's Supplemental Appeal Brief ("Appeal Brief") filed on May 17, 2004.

Grouping of Claims

The Answer (at page 2) alleges that

“Appellant’s brief includes a statement that five groupings of claims based on independent claims 1, 12, 22, 33 and 35. The claims within each group do stand or fall together and reasons are provided as set forth in 37 CFR 1.192(c)(7) and (c)(8).”

The Appellants respectfully disagree. The Grouping of Claims section in the Appeal Brief explicitly states that the claims do not stand or fall together. Nor does the Grouping of Claims section include a statement that there are five groupings of claims, as alleged. Appellants respectfully request that the Answer’s incorrect assertions regarding the Grouping of Claims section of the Appeal Brief be disregarded. Each claim is to be reviewed on its own merits.

37 C.F.R. § 1.192(c)(7) requires Appellants to (A) state that the claims do not stand or fall together, and (B) present arguments why the claims are believed to be separately patentable. The Appellants respectfully submit that the Appeal Brief complies with 37 C.F.R. § 1.192(c)(7).

The Appeal Brief (at page 7) includes a Grouping of Claims section which includes the specific statement that “No groups of claims stand or fall together.” Thus, the Appeal Brief includes a proper statement that the claims do *not* stand or fall together.

The Appeal Brief (in the “Argument” section thereof beginning on page 7) provides reasons in support of why the claims do not stand or fall together. Even the Answer acknowledges that “reasons are provided.” The Appeal Brief presents arguments why each of the claims are believed to be separately patentable. The Appeal Brief presents for each respective separate claim a corresponding respective separate argument as to why the claim is patentable

over the rejection applied thereto. The Appeal Brief provides reasons how each claim recites additional features of the invention which distinguishes the claim over every other pending claim, and provides reasons how each of the claims recites at least one element, combination of elements, or step not found or suggested in the applied references, which patentably distinguishes the claims.

Thus, the Appeal Brief includes both a proper statement that the claims do not stand or fall together and arguments why the claims are believed to be separately patentable. It follows that the Answer incorrectly characterizes the Grouping of Claims section of the Appeal Brief.

Furthermore, where an Appeal Brief includes only one of either (1) a statement that the claims do not stand or fall together or (2) presents arguments why the claims are separately patentable, then the Appellants are to be notified of a noncompliance as per 37 C.F.R. § 1.192(d). Note MPEP § 1206. As previously discussed, the Appeal Brief includes a statement that the claims do not stand or fall together. Appellants were not notified of any noncompliance regarding their Appeal Brief. It must be concluded that the Appeal Brief is in compliance with 37 C.F.R. § 1.192(c) with regard to each claim not standing or falling together. It follows that the Answer's erroneous assertions regarding the Grouping of Claims are to be disregarded.

Grounds of Rejection

The grounds for rejection set forth in the Answer (on pages 3-12) appear to be identical to the grounds previously presented in the Office Action dated February 24, 2004. Thus, Appellants respectfully submit that the rejections set forth in the Answer have already been fully addressed

in the Appeal Brief. Therefore, please note the Appeal Brief for Appellants' arguments regarding all the issues of record.

STATUS OF CLAIMS

Claims 1-45 are pending in the Application.

Claims rejected: 1-45

Claims allowed: none

Claims confirmed: none

Claims withdrawn: none

Claims objected to: none

Claims canceled: none

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The questions presented in this appeal are:

- 1). Whether Appellant's claims 1-4, 11-13, 17, and 19-27 are unpatentable under 35 U.S.C. § 103(a) over Semple in view of Sigona.
- 2). Whether Appellant's claims 5 and 28-30 are unpatentable under 35 U.S.C. § 103(a) over Semple in view of Sigona and Jheeta.
- 3). Whether Appellant's claims 14-16 and 18 are unpatentable under 35 U.S.C. § 103(a) over Semple in view of Sigona and Bertram.
- 4). Whether Appellant's claims 6-10 and 31-32 are unpatentable under 35 U.S.C. § 103(a) over Semple in view of Sigona, Murphy, and Bertram.
- 5). Whether Appellant's claim 33 is unpatentable under 35 U.S.C. § 103(a) over Grant in view of Leon.
- 6). Whether Appellant's claims 34-45 are unpatentable under 35 U.S.C. § 103(a) over Grant in view of Leon and LaStrange.

ARGUMENT

Appellants' Appeal Brief filed on May 17, 2004 is incorporated herein by reference. As previously discussed, the rejections presented in the Answer have already been fully addressed in the Appeal Brief.

The Appellants have argued each of the claims on appeal separately. Appellants have responded to the claim rejections (as best understood) in spite of the Office's failure to provide a claim by claim analysis of how the applied prior art teaches or suggests the claimed invention.

Response to Arguments

The Answer includes a "Response to Argument" section beginning on page 12. The Office's remarks regarding the claim rejections are addressed in the order they are presented in the Answer.

The Answer (on pages 12-13) alleges that Semple teaches an ATM with a cash dispenser as a transaction function device. The Answer further alleges that Semple has the capability to cause the cash dispenser (i.e., the transaction function device) to operate responsive to instructions in at least one document processed by at least one browser of the ATM.

The Appellants respectfully disagree. Where does Semple link cash dispenser operation to document instructions, especially instructions from a document processed by an ATM browser? Semple does not teach or suggest that cash dispensing is dependent on processing a document with an ATM browser, as alleged. Contrary to the Answer's allegations, accessing the web through Semple's ATM would appear to prevent the ability to cause (following a cash

request) any operation of a cash dispenser, especially operation of a (transactions side) cash dispenser in response to a (web side) document. Furthermore, the Answer (on page 4, last paragraph) admits that Semple does not teach or suggest the recited plurality of browsers (e.g., claim 1).

The Answer relies on Semple at col. 3, lines 5-6 and col. 4, lines 40-43 for alleging operation of an ATM transaction function device responsive to instructions in a document processed by an ATM browser. Semple at col. 3, lines 3-6, merely indicates that the ATM system can include one or more data processors (224, 226) to (separately) handle both the communication between the Internet and the controlling of ATM transactions. Correspondingly, Semple at col. 4, lines 39-43, indicates that an Internet processor (224) operates solely to provide for communication access with the Internet and that a dedicated ATM processor (226) operates solely to provide for control of ATM transactions. The Answer has not shown that the relied upon sections of Semple teach the linking of (transactions side) cash dispenser operation to instructions from a document processed by a (web side) browser, as alleged. Semple's ability to use a first processor (224) *solely* for the Internet side and a second (separate) *dedicated ATM* processor (226) for the ATM side further teaches away from the Answer's allegations. The Action's assertions are not based on any evidence in the record. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

The Answer (on page 13, lines 13-20) alleges that "Sigona disclose in col. 5, lines 50-67, col. 6, lines 45-65 thereof, multiple browsers open to accept input and one HTML document able to process user input." The Appellants respectfully disagree. The Answer (on page 4, last paragraph) admits that Semple does not teach or suggest the recited plurality of browsers (e.g.,

claim 1). The relied upon sections of Sigona (col. 5, lines 50-67; and col. 6, lines 45-65), as well as Sigona taken in its entirety, fails to teach or suggest the recited features.

Sigona at col. 5, lines 50-67, states:

“Otherwise, the cursor position display and coordinate conversion operate as a device driver or application program.

According to the present invention, a normally single user interface system, conforming to certain rules, is made into a multiple user interface by providing a plurality of input devices, a virtual display screen encompassing a number of display windows, having a plurality of real display ports, wherein each display window is associated with an area of said virtual display screen, an input from one of the input devices associated with an area of said virtual display screen being associated with the associated display window, thereby transferring control to that window.

It is therefore an object of the present invention to provide a multiple display GUI system comprising a computer system having a processor, a display output interface and a user input interface; a plurality of displays, each presenting a graphic image and being responsive to said display output.”

Sigona at col. 6, lines 45-65, states:

“while the input interface may be a multi-input device, a daisy-chained input device or separate devices.

According to another aspect of the invention, the multiple display GUI system is provided wherein said event-driven control program including a GUI

having a unified virtual display space, produces a plurality of display windows in said unified virtual display space, only one of said display windows being associated with processed events at any instant, an input to one of said input devices producing an event associated with a window in said portion of said unified virtual display space of said associated display device, which is then processed.

The system may be implemented with comparatively standard hardware and operating systems, such as a processor executing the 80X86 instruction set group processors. Of course, other architectures, such as PowerPC, MIPS, SPARC, Alpha, or other CISC or RISC microprocessors may be used. A plurality of VGA, Super VGA or Windows accelerated display driver systems, integrated on a single board or on multiple boards, may be used. Video splitters may be used to present an image on multiple displays.”

Nowhere in these relied upon sections of Sigona is there any mention of a browser, a plurality of browsers, HTML, or a HTML document, as alleged.

Furthermore, Sigona is non analogous art. Sigona is non analogous to both an automated banking machine and a browser capable of processing document instructions. Where does Sigona teach, suggest, or even mention a browser, especially a browser capable of processing document instructions?

Although Sigona discloses a system with multiple display, Sigona does not disclose or suggest a plurality of browsers, especially browsers that are operative to process at least one document. Where does Sigona’s system require the use of browsers? Sigona acknowledges (at

col. 2, lines 11-15) that at the time of his filing, multi-screen display driver systems were already *known*. A plurality of browsers are not “necessarily present” in Sigona. *In re Robertson*, 169 F.3d 743, 49 U.S.P.Q. 2d 1949 (Fed. Cir. 1999). The Office has not established a *prima facie* showing of obviousness. If Sigona does not teach or suggest any browser, then how can it be relied upon for the admittedly absent “plurality of browsers” in Semple?

Neither Semple nor Sigona, taken alone or in combination, teach or suggest the recited invention. It would not have been obvious to one having ordinary skill in the art to have modified Semple as alleged to have produced the recited invention. Nor would the alleged modification to Semple have resulted in the recited invention. More detailed remarks in support of claim patentability can be found in the Appeal Brief. Therefore, please note the Appeal Brief for additional remarks.

Claim 2

The Answer’s allegation of obviousness lacks evidence of record. *In re Zurko*, *supra*. Furthermore, the Answer ignores the “simultaneously” recitation.

Claim 3

The Answer alleges that “Sigona clearly show multiple browsers on the screen.” The Appellants respectfully disagree. The references do not teach or suggest the recited two browsers and separate display portions relationship.

Claim 4

The Answer (on page 4, last paragraph) admits that Semple does not teach or suggest a plurality of browsers. Sigona does not teach or suggest a plurality of browsers. As previously

discussed, Sigona at relied upon col. 5, lines 50-67 and col. 6, lines 45-65 does not teach or suggest the recited features.

Claim 11

The Answer (on page 4, last paragraph) admits that Semple does not teach or suggest an HTML document. Sigona does not teach or suggest an HTML document. As previously discussed, Sigona at relied upon col. 5, lines 50-67 and col. 6, lines 45-65 does not teach or suggest the recited features.

Claim 12

For reasons previously discussed, neither Semple nor Sigona, taken alone or in combination, teach or suggest the recited invention. Even if it were somehow possible (which it isn't) for the references to teach the recited features, the Answer lacks valid motivation to combine the references. The rejection, which lack the necessary evidence and rationale, is based on (hindsight) knowledge gleaned only from Appellants' disclosure. Furthermore, the Answer ignores the "documents processed by at least *two* of the browsers" recitation.

Claim 13

As previously discussed, the references do not teach or suggest plural browsers. It follows that the references cannot teach or suggest having outputs from browsers outputted through a display device.

Claim 17

As previously discussed in the Appeal Brief, the references do not teach or suggest transaction function device operation in the manner recited.

Claim 19

The Answer (on page 4, last paragraph) admits that Semple does not teach or suggest an HTML document. As previously discussed, Sigona does not teach or suggest an HTML document.

Claim 20

For reasons previously discussed in the Appeal Brief, the references do not teach or suggest operating a cash dispenser in response to a browser-processed document. Sigona also is non analogous art.

Claim 21

As previously discussed, the references do not teach or suggest operating a cash dispenser in response to a browser-processed document. Nor is Sigona analogous art.

Claim 22

For reasons previously discussed in the Appeal Brief (at pages 27-28), neither Semple nor Sigona, taken alone or in combination, teach or suggest the recited apparatus.

Claim 23

The references do not explicitly or inherently teach or suggest the recited features and relationships. The Answer's allegation of obviousness lacks evidence of record. *In re Zurko*, supra. *In re Robertson*, supra. Furthermore, the Answer ignores the "simultaneously" recitation.

Claim 24

For reasons previously discussed in the Appeal Brief, it would not have been obvious to one having ordinary skill in the art to have modified Semple with the teaching of Sigona to have produced the recited apparatus.

Claim 25

The Answer (on page 4, last paragraph) admits that Semple does not teach or suggest an HTML document. As previously discussed, Sigona does not teach or suggest an HTML document.

Claim 26

For reasons previously discussed in the Appeal Brief, neither Semple nor Sigona link transaction function device operation to browser-processed markup language document instructions.

Claim 27

Claim 27 recites that the “at least one” of the transaction function devices (claim 22, line 6) includes the cash dispenser. Where do the references link cash dispenser operation to browser-processed document instructions? The Office has not established a *prima facie* showing of obviousness. It would not have been obvious to one having ordinary skill in the art to have modified Semple as alleged to have produced the recited apparatus.

Claim 5

The alleged card reader (228) in Semple is actually a keyboard. Semple does not explicitly or inherently teach or suggest the recited features and relationships.

The Answer (on page 6) admits that Semple/Sigona does not teach or suggest the ability to include card data in a transaction data object, or to access the card data from the transaction data object. Thus, the Answer admits that Semple/Sigona do not teach or suggest the recited relationship involving a card reader, card data, transaction data object, documents, and browsers.

Jheeta also does not teach or suggest the recited relationship. For example, where does Jheeta teach or suggest a transaction data object? Where does Jheeta teach or suggest that instructions in browser-processed documents can cause accessing card data from a transaction data object? Jheeta does not teach or suggest the features admitted as absent in Semple/Sigona. The Office has not established a *prima facie* showing of obviousness.

Claim 28

Claim 28 recites that the “at least one” of the transaction function devices (claim 22, line 6) includes a card reader. The alleged card reader (228) in Semple is actually a keyboard. As discussed in more detail in the Appeal Brief, none of the references link card reader operation to browser-processed document instructions.

Claim 29

The Answer (on page 6) admits that Semple/Sigona does not teach or suggest the ability to include card data in a transaction data object, or to access the card data from the transaction data object. Thus, the Answer admits that Semple/Sigona do not teach or suggest the recited relationship involving a card reader, card data, transaction data object, documents, and browser. Jheeta also does not teach or suggest the recited relationship. For example, where does Jheeta teach or suggest a transaction data object? Where does Jheeta teach or suggest that instructions in browser-processed documents can cause accessing card data from a transaction data object? Jheeta does not teach or suggest the features admitted as absent in Semple/Sigona. The Office has not established a *prima facie* showing of obviousness.

Claim 30

None of the references teach or suggest using instructions in browser-processed documents to access card data from a transaction data object. Nor do the references teach or suggest using the accessed card data to cause a cash dispenser to dispense cash.

Claim 14

The Answer (on page 8, last paragraph) admits that Semple/Sigona does not teach or suggest a document including a show instruction, nor causing an output responsive to reading the show instruction. The Answer relies on Bertram for the features admitted as absent in Semple/Sigona. However, Bertram does not teach or suggest reading a show instruction in a first document with a first browser and, responsive to the show instruction reading, delivering an output (through an output device in connection with an automated banking machine) responsive to a second browser. The Office has not established a *prima facie* showing of obviousness.

Claim 15

The Answer alleges that “browsers are inherently resizeable.” The Appellants respectfully disagree.

The Answer (on page 8, last paragraph) admits that Semple/Sigona does not teach or suggest a document including a size instruction, nor producing an output having a magnitude responsive to the size instruction responsive to a second browser. The Answer relies on Bertram for the features admitted as absent in Semple/Sigona. However, Bertram does not teach or suggest a document that includes a size instruction as in the manner recited. The references, taken alone or in combination, do not teach or suggest the recited steps involving a document

including a size instruction, reading the size instruction with a first browser, and producing an output having a magnitude responsive to the size instruction responsive to a second browser.

Claim 16

The Answer (on page 9) admits that Semple/Sigona does not teach or suggest that a size of at least one output from a browser is determined responsive to other outputs. The Answer relies on Bertram for the features admitted as absent in Semple/Sigona. However, Bertram does not teach or suggest the recited features. It would not have been obvious to one having ordinary skill in the art to have modified Semple/Sigona with the teaching of Bertram to have produced the recited method.

Claim 18

The Answer (on page 9) admits that Semple/Sigona does not teach or suggest the recited five browsers. Bertram cannot alleviate the admitted deficiencies in Semple/Sigona, as Bertram also does not teach or suggest five browsers in the manner recited.

Claim 6

As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple to include first and second browsers operating in the ATM to process documents from respective first and second servers. The Answer (on page 7) admits that Semple/Sigona does not teach or suggest servers in connection with a network. The Answer (on page 4, last paragraph) also admits that Semple does not teach or suggest first and second browsers. Neither Sigona, Bertram, nor Murphy even teach or suggest an ATM, especially an ATM with first and second browsers.

Claim 7

As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple's ATM to include first and second browsers to cause a visible output through a display device.

Claim 8

As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple's ATM to include first and second browsers to produce a non-visible output, especially to cause operation of a transaction function device.

Claim 9

As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple's ATM to include a computer operative responsive to a show instruction in a first document processed by a first browser (e.g., claim 6) to cause a further visible output through a display device responsive to a second browser (e.g., claim 9).

Claim 10

Claim 10 depends from claim 9/7/6/1. As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple's ATM to include a computer operative responsive to a size instruction to size a further visible output.

Claim 31

As discussed in more detail in the Appeal Brief, none of the cited references includes a teaching, suggestion, or motivation to modify Semple's ATM so that an instance of at least one browser is operative to process at least one document having a show instruction to cause a visible output, responsive to at least one second instance of the at least one browser, through a display device.

Claim 32

Claim 32 depends from claim 31. As discussed in more detail in the Appeal Brief, none of the cited references teach or suggest at least one document including at least one show instruction (claim 31) *and* at least one size instruction (claim 32).

Claim 33

As discussed in more detail in the Appeal Brief, Leon is directed to a TP monitoring program that *monitors* or tracks a transaction. Leon does not teach or suggest the ability to cause transaction function device operation responsive to instructions in at least one processed document, especially where the at least one processed document also produces an output delivered through a display device associated with an automated banking machine. Leon does not link processing of at least one document (by at least one browser instance) to transaction function device operation *and* display output. It follows that Leon cannot alleviate the admitted and discussed deficiencies in Grant.

Claim 34

The Answer (on page 11) admits that Grant/Leon does not teach or suggest at least two instances of the at least one browser running simultaneously in a computer. As discussed in

more detail in the Appeal Brief, LaStrange cannot alleviate the admitted and discussed deficiencies in Grant/Leon. Nor is LaStrange analogous art. The Answer (on page 19) alleges that “Grant and Leon both refer to ATM”, but is silent regarding any relationship between LaStrange and an ATM.

Claim 35

The Answer (on page 11) admits that Grant/Leon does not teach or suggest steps (a), (b), or (c). LaStrange also does not teach or suggest steps (a), (b), or (c). As discussed in more detail in the Appeal Brief, LaStrange cannot alleviate the admitted and discussed deficiencies in Grant/Leon.

Claim 36

The Answer remains silent as to a prior art teaching or suggestion of the recited features. It follows that the Office has not established a *prima facie* showing of obviousness.

Claim 37

Claim 37 depends from claim 36. As discussed in the Appeal Brief, the references do not teach or suggest simultaneously delivering outputs in the manner recited.

Claim 38

As discussed in the Appeal Brief, the references do not link transaction function device operation to at least one browser-processed HTML document, especially in relation with an automated banking machine.

Claim 39

As discussed in the Appeal Brief, the references do not link transaction function device operation to at least one browser-processed markup language document, especially in relation with an automated banking machine.

Claim 40

As discussed in the Appeal Brief, the references do not link cash dispenser operation to at least one browser-processed document, especially in relation with an automated banking machine.

Claim 41

As discussed in the Appeal Brief, the references do not link card reader operation to at least one browser-processed document, especially in relation with an automated banking machine.

Claim 42

The Answer (on page 11, lines 9-12) admits that Grant/Leon does not teach or suggest step (f). That is, the Answer admits that Grant/Leon does not teach or suggest accessing data stored in a transaction data object in the manner recited. The Answer is silent as to a prior art teaching or suggestion of the recited step (f). Nor do the references teach or suggest a transaction data object. The Office has not established a *prima facie* showing of obviousness.

Claim 43

The Answer is silent as to a prior art teaching or suggestion of accessing card data stored in a transaction data object in the manner recited. Nor do the references teach or suggest a transaction data object. The Office has not established a *prima facie* showing of obviousness.

Claim 44

The Answer admits (on page 11, lines 13-17) that Grant/Leon does not teach or suggest the recited step. LaStrange does not explicitly or inherently teach a document including a show instruction. The references do not teach or suggest delivering an output responsive to a second instance of at least one browser responsive to reading a show instruction with a first instance of the at least one browser.

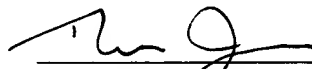
Claim 45

The Answer admits (on page 11, last paragraph) that Grant/Leon does not teach or suggest the recited step. LaStrange does not explicitly or inherently teach a document including a size instruction. The references do not teach or suggest reading the size instruction with a first instance of at least one browser, and producing an output having a magnitude responsive to the size instruction responsive to a second instance of the at least one browser.

CONCLUSION

Each of Appellants' pending claims specifically recites features, relationships, and steps that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any teaching, suggestion, or motivation for combining features of the applied prior art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



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November 8, 2004

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P.O. Box 1450
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Re: **Application Serial No.:** 09/578,312
Confirmation No.: 5731
Art Unit: 3628 (Examiner Debra F. Charles)
Appellants: Jay Paul Drummond, et al.
Title: Automated Banking Machine System with Multiple Browsers
Docket No.: D-1077+16

Sir:

Please find enclosed a Reply Brief in response to the Examiner's Answer dated September 13, 2004 for filing in the above-referenced application.

No fee is deemed required. However, the Commissioner is authorized to charge any necessary fee associated with the filing of the Reply Brief and any other fee due to Deposit Account 09-0428.

Very truly yours,

Ralph E. Jocke
Reg. No. 31,029

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I hereby certify that this document and the documents indicated as enclosed herewith are being deposited with the U.S. Postal Service as Express Mail Post Office to addressee in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 9th day of November 2004.

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